

United States District Court
WESTERN DISTRICT OF NEW

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA
v.

**INTERIM
JUDGMENT IN A CIVIL CASE**
CASE NUMBER: 14-CV-576-G

DIPIZIO CONSTRUCTION
COMPANY, INC., ET AL

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that the Court adopts Judge Schroeder's Report and Recommendation, ECF No. 130, in full, and Traveler's Partial Motion for Summary Judgment, ECF No. 111, is granted. A judgment finding liability and damages under the First through Seventh claims in the amount of \$2,105,829.09, plus prejudgment interest at the rate of 9% per annum from the date of loss pursuant to N.Y.C.P.L.R. 5004 against DCC and the Indemnitors; finding liability on the Eighth and Ninth claims in the amount to be determined at a hearing; finding liability and damages under the Eleventh claim in the amount of \$4.25 million as collateral security for Travelers's anticipated losses under the Inner Harbor bonds; severance of the remaining claims and counterclaims pursuant to Rule 54; and final judgment as to the First through Ninth and Eleventh claims pursuant to Rules 54 and 58. As a result, the Tenth and Twelfth through Sixteenth claims will proceed.

Date: April 19, 2018

MARY C. LOEWENGUTH
CLERK OF COURT

By: s/K.McMillan
Deputy Clerk

